



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 13, 2019

ENFORCEMENT NOTICE

This is a notice that the Federal Motor Carrier Safety Administration (FMCSA) currently is in the process of revising its guidance to clarify that 49 CFR 383.93(a)(2)(i), 49 CFR 383.93(a)(2)(ii), 49 CFR 383.93(b)(2), and 49 CFR 383.93(b)(5) do not require passenger (P) and school bus (S) endorsements for commercial motor vehicle drivers driving an empty bus from the manufacturer to the local distributor or in a driveaway-towaway operation, provided (1) the driver has a bill of lading in his/her person indicating that the trip is for delivery only and (2) the vehicle is empty of any passengers other than the driver. The P and S endorsements are intended primarily to ensure that the driver has the knowledge and skills needed to transport passengers safely and help them evacuate the vehicle in case of an emergency. Those qualifications are not relevant when the bus is empty. Under those circumstances, the vehicle operates as a straight truck. Because FMCSA's view is that the regulations do not require P or S endorsements in these circumstances, it does not intend to take enforcement action against drivers who operate in these circumstances without one or both endorsements.

This Notice creates no individual rights of action and establishes no precedent for future determinations.

**Charles J. Fromm
Deputy Chief Counsel**